

41

3763

PTO/SB/21 (09-04)

	Application Number	10/017,068	<b>RECEIVED</b> <b>AUG 05 2005</b> <b>TECHNOLOGY CENTER R3700</b>
	Filing Date	December 13, 2001	
	First Named Inventor	PERKINS, RODNEY A.	
	Art Unit	3763	
	Examiner Name	THOMPSON, Kathryn L.	
Attorney Docket Number		017534-000730US	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration of James M. Heslin; PAIR database report (Exhibit A); File History for USSN 10/017,068 (Exhibit B) Return Postcard
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	James M. Heslin		
Date	7/28/05	Reg. No.	29,541

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Jennifer O'Brien	Date	7-28-05

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT

Attorney Docket No.: 017534-000730US

Assistant Commissioner for Patents  
Washington, D.C. 20231, on 7-28-05

TOWNSEND and TOWNSEND and CREW LLP

By: Jennifer O'Brien

Jennifer O'Brien

RECEIVED

AUG 05 2005

TECHNOLOGY CENTER R9700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

RODNEY A. PERKINS et al.

Application No.: 10/017,068

Filed: December 13, 2001

For: METHODS, SYSTEMS, AND  
KITS FOR LUNG VOLUME  
REDUCTION

Examiner: THOMPSON, Kathryn L.

Art Unit: 3763

Customer No.: 20350

**DECLARATION OF JAMES M. HESLIN**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, **JAMES M. HESLIN**, hereby declare as follows:

1. I am a partner at the law firm of Townsend and Townsend and Crew LLP, the law firm responsible for prosecution of the above-referenced patent application.
2. A check of the PAIR database on June 11, 2005, showed that the above-identified patent application was marked as lost on February 10, 2005 (**Exhibit A**).
3. I have provided a complete copy of the file history (**Exhibit B**) to facilitate the continued examination of this application.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7/28/05

James M. Heslin

Enclosures:

Exhibit A: June 11, 2005, PAIR database report for USSN 10/017,068  
Exhibit B: Copy of file history for USSN 10/017,068

60548784 v1